

REMARKS

The application has been amended and is believed to be in condition for allowance.

Prior to this amendment, claims 1-7 were pending with claims 1 and 7 being independent. Claim 8 was previously canceled responsive to a restriction requirement.

This amendment adds new dependent claim 9, dependent from independent claim 7.

The Official Action rejected claims 3 and 4 under §112, first paragraph, as failing to comply with the enablement rejection.

These claims have been amended so as to remedy the stated basis of rejection. Accordingly, withdrawal of the first paragraph rejection is respectfully requested.

There are no other formal matters outstanding.

Claims 1 and 2 stand rejected as anticipated by MATSUURA 4,514,433.

Claims 1 and 7 stand rejected as anticipated by TAKEOKA et al. 5,190,787.

Claims 1 and 5 stand rejected as anticipated by SENGOKU et al. 4,874,630.

Claims 3 and 4 stand rejected as obvious over MATSUURA; and claims 5 and 6 over MATSUURA in view of SATO (JP 03-195467).

In reviewing these three anticipation references, applicants believe that none of them are actually anticipatory. However, in order to advance the case, the claims have been amended to indicate that the independent claims recite sequential steps.

The invention as recited by claim 1 comprises the sequential steps that begin with applying an aqueous ethanol solution or an aqueous solution containing at least one of a magnesium salt and a calcium salt to the inside surface of a container. After the solution has been applied to the inside surface of the container, there is the subsequent step of filling the container with soybean milk, followed by sealing the container and after sealing, heating the sealed container to coagulate the soybean milk. As to independent claim 7, the sequential steps are filling a container with soybean milk, thereafter sealing the container, heating the sealed container to coagulate the soybean milk, and finally dropping the container.

Applicants have carefully studied each of the references and do not see that any of the references teach these recited methods. Accordingly, the anticipation rejections are not believed to be viable and allowance of these claims is solicited.

As to MATSUURA '433, the Official Action notes that this reference teaches "applying a solution of magnesium or

calcium salt or a 10% ethanol solution (i.e. a coagulant solution) to a container after soybean milk was added." This is correct. The magnesium or calcium salt or ethanol solution is added to the container subsequent to the milk being added. This is not the sequence recited in the claims. Further, independent claim 1 recites applying the aqueous solution to the inside surface of a container. This recitation has been amended to make explicit that the solution is applied to an inside **surface** of the container.

In view of these clarifying amendments, it is believed that the claim is patentable over this reference.

As to SENGOKU et al., the Official Action indicates that this reference teaches applying a solution of magnesium or calcium salt to a container with soybean milk. Again, this is correct. The magnesium or calcium salt is applied to the soybean milk. The aqueous solution is not applied to the surface of the container prior to filling the container.

Accordingly, this reference is also not anticipatory.

As to TAKEOKA et al., the reference also teaches applying a solution of magnesium or calcium salt to a container already containing soybean milk. Accordingly, the features recited in the amended claims are not disclosed. Therefore, this reference is not anticipatory.

As to independent claim 7, see that it is clear that the sequence of recited steps is filling a container, subsequently sealing the container, further subsequently heating the sealed container, and then finally dropping the container.

Applicants can find no disclosure of dropping the container. Although Figure 1 shows the admixture of milk and coagulant being mixed in mixer 15 and fed to filling device 12, the disclosure is only that filling device 12 provides containers which are sealed off within the aseptic chamber 11. At column 2, beginning with line 61, the disclosure is that the sealed containers are discharged from the aseptic chamber and immersed in a hot water bath. Applicants find no disclosure of the thus sealed containers being subsequently dropped.

In view of this, this reference is not believed to be anticipatory of independent claim 7.

For the above reasons, each of the independent claims are believed to be patentable. The dependent claims are believed to be patentable at least for depending from an allowable independent claim.

Accordingly, reconsideration and allowance of all the pending claims are respectfully requested.

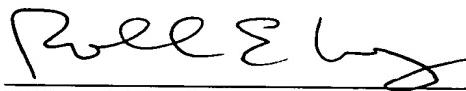
The application is believed to be in condition for allowance and an early indication of the same is respectfully requested.

Application No. 10/025,570
Reply to Office Action of October 7, 2003
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The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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